

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Glenn Brown	Team: Team # 1	CCRB Case #: 201303000	<input checked="" type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Tuesday, 04/09/2013 7:35 PM	Location of Incident: Inside § 87(2)(b)	Precinct: 120	18 Mo. SOL 10/9/2014	EO SOL 10/9/2014	
Date/Time CV Reported Tue, 04/09/2013 12:00 AM	CV Reported At: IAB	How CV Reported: Phone	Date/Time Received at CCRB Tue, 04/16/2013 1:31 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POM Richard Guerrieri	01640	948039	120 PCT
2. LT Christophe Bannon	00000	921137	120 PCT
3. LT Joseph Notaro	00000	919483	120 PCT
4. An officer			120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM James Trapasso	22068	947443	120 PCT
2. POF Mashiel Santos	19136	943782	120 PCT
3. POM Mirosław Marganski	10686	942123	120 PCT
4. POM Christophe Duggan	14987	943195	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.LT Joseph Notaro	Off. Language: Lt. Joseph Notaro made remarks to § 87(2)(b) and § 87(2)(b) based upon race.	
B.LT Christophe Bannon	Off. Language: Lt. Christopher Bannon made remarks to § 87(2)(b) based upon race.	
C.LT Christophe Bannon	Force: Lt. Christopher Bannon pointed his gun at § 87(2)(b)	
D.LT Joseph Notaro	Abuse: Lt. Joseph Notaro drew his gun.	
E.LT Joseph Notaro	Force: Lt. Joseph Notaro used physical force against § 87(2)(b)	
F.LT Christophe Bannon	Force: Lt. Christopher Bannon used physical force against § 87(2)(b)	
G. An officer	Force: An officer used a chokehold against § 87(2)(b)	
H.POM Richard Guerrieri	Abuse: PO Richard Guerrieri did not obtain medical treatment for § 87(2)(b)	
§ 87(4-b), § 87(2)(g)		

Case Summary

On April 9, 2013, § 87(2)(b) and § 87(2)(b) filed this complaint on behalf of § 87(2)(b) with the Internal Affairs Bureau via telephone. On April 16, 2013, the CCRB received this complaint via IAB log #13-15273 (encl. B1-3).

On April 9, 2013, at approximately 7:35 pm, § 87(2)(b) was arrested inside § 87(2)(b) in Staten Island and the following allegations resulted:

- **Allegation A) Offensive Language: Lt. Joseph Notaro made remarks to § 87(2)(b) and § 87(2)(b) based upon race.**
- **Allegation B) Offensive Language: Lt. Christopher Bannon made remarks to § 87(2)(b) based upon race.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation C) Force: Lt. Christopher Bannon pointed his gun at § 87(2)(b)**
- **Allegation D) Abuse of Authority: Lt. Joseph Notaro drew his gun.**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation E) Force: Lt. Joseph Notaro used physical force against § 87(2)(b)**
- **Allegation F) Force: Lt. Christopher Bannon used physical force against § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- **Allegation G) Force: An officer used a chokehold against § 87(2)(b)**
The investigation could not determine the identity of the officer who allegedly choked § 87(2)(b). Therefore, it is recommended that Allegation G be closed as **officer unidentified**.
- **Allegation H) Abuse of Authority: PO Richard Guerrieri did not obtain medical treatment for § 87(2)(b)**
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
- § 87(4-b), § 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)
§ 87(2)(g)

This case was not suitable for mediation.

Results of Investigation

Civilian Statements

Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a black male.*

Arrest Photograph: (encl. B11)

§ 87(2)(b)'s arrest photograph does not reveal any visible injuries to his head or face.

CCRB Statement: (encl. B7-10)

On May 20, 2013, § 87(2)(b) was interviewed at the Robert N. Davoren Center on Rikers Island and provided the following statement. On April 9, 2013, at approximately 7:35 pm, § 87(2)(b) was sitting on the front steps of § 87(2)(b) in Staten Island with his friend § 87(2)(b) (last name unknown). Prior to arriving at § 87(2)(b) § 87(2)(b) was "walking around... not doing anything." § 87(2)(b) is friends with the sons (or step-sons) of the homeowner, § 87(2)(b). § 87(2)(b) had come looking for § 87(2)(b)'s son and when he was told that § 87(2)(b)'s son was not home, he sat down on the steps. § 87(2)(b) had been sitting on the steps of the house for approximately three minutes, when two plainclothes officers, Lt. Notaro, who was identified by the investigation and described as a white male, 6'1"-6'2" tall, with a stocky build and a "smooth," short black hair cut with bangs, and Lt. Bannon, described as a white male, 6'1"-6'2" tall, with a stocky build walked up the property's driveway. Neither officer said anything to § 87(2)(b) as they approached the house. § 87(2)(b) panicked and ran into the house through the front door. § 87(2)(b) is familiar with the layout of the house and he ran through the living room, the kitchen and then down the basement steps and into § 87(2)(b)'s son's bedroom. § 87(2)(b) locked the door to this room by turning a nubbin on the doorknob. § 87(2)(b) dove under the bedroom's queen-sized bed and positioned himself so that he was lying on his chest with his head under the foot of the bed, facing the door. § 87(2)(b)'s hands were positioned next to his head, palms down. The head of the bed was pushed up against the wall furthest from the door and the three remaining sides of the bed were unconfined by the room's architecture. § 87(2)(b) heard both of the officers follow him down into the basement and both of them saying, "Where this nigger at? I know he's in here," several times. § 87(2)(b) also heard the officers asking § 87(2)(b) where § 87(2)(b) was and § 87(2)(b) responded repeatedly that he did not know where § 87(2)(b) was hidden.

After two minutes of lying under the bed, one of the officers, § 87(2)(b) did not know who, opened the door to the bedroom and both officers walked inside. § 87(2)(b) did not know if the officers had broken the door open and suggested the possibility that § 87(2)(b) opened the door for the officers. Less than 40 seconds after the officers entered the bedroom, Lt. Notaro grabbed the bed and flipped it over to § 87(2)(b)'s right side, exposing him. Lt. Bannon unholstered his silver-plated firearm, pointed it at § 87(2)(b)'s face and said, "Freeze!" The delivery of this command was the first time that § 87(2)(b) realized that he had been pursued by police officers. § 87(2)(b) got up onto his knees and held his hands up, palms facing forward, on either side of his head. § 87(2)(b) was not moving his body or his arms; he was kneeling still. Lt. Notaro walked behind § 87(2)(b) and punched him once in the right rear side of his head. § 87(2)(b) fell forward onto his chest. Lt. Notaro knelt down onto § 87(2)(b)'s left arm and Lt. Bannon knelt down onto § 87(2)(b)'s right arm. From this position, the officers pulled § 87(2)(b)'s hands behind his back and placed him into handcuffs. From the moment § 87(2)(b) assumed a kneeling position to the moment that he was placed in handcuffs, § 87(2)(b) estimated that three seconds had elapsed. Once he was in handcuffs, Lt. Notaro punched § 87(2)(b) five more times in the back, right side of his head. Lt. Bannon backed up and stood by the bedroom door. Neither officer said anything to § 87(2)(b) after he was in handcuffs and § 87(2)(b) told the officers, "Y'all can't do that." § 87(2)(b) walked downstairs and stepped into the bedroom for approximately four seconds. Both officers told § 87(2)(b) to leave the basement and go back upstairs. § 87(2)(b) complied and did not say anything.

After § 87(2)(b) left, Lt. Notaro punched § 87(2)(b) five more times in the back of his head. The officers pulled § 87(2)(b) up onto his feet. Lt. Notaro held § 87(2)(b) by the handcuffs and his left arm and pushed him two times, face-first, into a bedroom wall. The left side of § 87(2)(b)'s face hit the wall. Two more plainclothes white males, identified by the investigation as PO Richard Guerrieri and PO James Trapasso, neither of whom § 87(2)(b) could describe because his vision had become extraordinarily blurry due to his head injuries, walked downstairs. Lt. Notaro pushed § 87(2)(b) out of the bedroom and then threw him to the ground at the base of the stairs. § 87(2)(b) landed on his right shoulder and his head hit a door. § 87(2)(b) was not moving his body while he was brought out of the bedroom and before he was thrown to the ground. § 87(2)(b) was pulled back up to his feet once again. Together, these four officers brought § 87(2)(b) upstairs, outside of the house, and then handed him off to two uniformed officers, PO Mashiel Santos, who was identified by the investigation and described as a Hispanic female, and PO Miroslaw Marganski, who was also identified by the investigation and described as a Hispanic male. There were more than 20 civilians outside of the house.

PO Santos and PO Marganski laid § 87(2)(b) across the back seat of the police vehicle, but his legs were left out of the vehicle's rear door. § 87(2)(b) was not kicking his legs, moving or struggling when he was placed inside the police vehicle. § 87(2)(b) said, "My legs, my legs!" in order to warn the officers against closing the vehicle's door on his legs. § 87(2)(b) got himself out of the rear seat and stood up outside of the vehicle. While § 87(2)(b) was standing next to the police vehicle's rear door, an officer described only as a uniformed male, choked § 87(2)(b) for five to six seconds. This hurt § 87(2)(b)'s neck, but it did not restrict § 87(2)(b)'s breathing. This officer then placed him into the rear of the police vehicle. PO Santos fastened § 87(2)(b)'s seatbelt and then sat on the left side of him in the police vehicle. PO6 drove the police vehicle to the 120th Precinct stationhouse. No one sat in the passenger's seat of the RMP.

Inside the stationhouse, while standing in front of the desk, § 87(2)(b) "yelled" for medical attention and none of the officers responded to his requests. § 87(2)(b) said loudly, "The cops beat me up. I got a bump on the back of the head. I can't see. My vision is blurry." § 87(2)(b) also said, "I need medical attention." § 87(2)(b) addressed this to an unknown officer that he could not describe and this officer did not respond. Other officers in the desk area turned to look at § 87(2)(b) as he said this, but none of the officers said anything or did anything for § 87(2)(b). § 87(2)(b) said that there were officers wearing white uniforms in the stationhouse who heard his complaints but they simply looked at him. Other than looking at § 87(2)(b) while he made these statements, the officers in the stationhouse did not acknowledge § 87(2)(b)'s complaint in any other way. § 87(2)(b) could not describe any of the officers present and he stated that there were not any other civilians present at the time of his request.

While § 87(2)(b) was being fingerprinted he said that he needed medical attention and none of the officers present acknowledged this request. From the 120th Precinct stationhouse, § 87(2)(b) was brought to a court hearing, and from there he was brought to Rikers Island. Once § 87(2)(b) arrived at Rikers Island on § 87(2)(b), he immediately received medical treatment. § 87(2)(b) sustained a bump on his head, blurry vision and, now, experiences recurring migraines.

§ 87(2)(b) attributed his inability to describe many of the officers due to his blurred vision, which was the result of being hit on the head. § 87(2)(b) could identify a photograph of PO Notaro in a photo array, but none of the other officers.

Attempts to Show Photo Array:

Even though § 87(2)(b) did not get a look at the subject officer, attempts were nevertheless made to show him a photo array. On April 7, 2014, a search of the Department of Correction Inmate Look-Up Website revealed that § 87(2)(b) was no longer incarcerated. On April 7, 2014,

a photo array viewing letter was sent to § 87(2)(b) and this letter was not returned by the United States Postal Service. On April 7, 2014, a call was placed to § 87(2)(b)'s cell phone and an automated message engaged stating that the number was no longer in service. On April 7, 2014, a phone call was placed to § 87(2)(b)'s home phone number and an automated message engaged stating that the number could not accept calls at this time. On April 7, 2014, a Lexis Nexis search provided one additional phone number for § 87(2)(b). On April 7, 2014, a phone call was placed to this number and an automated voice mailbox engaged and a message was left asking that § 87(2)(b) call the CCRB. As of May 21, 2014, § 87(2)(b) has not contacted the CCRB.

Victim: § 87(2)(b)

- *At the time of the incident, § 87(2)(b) was § 87(2)(b) old. He is a Hispanic male, 5'5" tall, 183 pounds, with black hair and brown eyes.*

CCRB Statement: (encl. B12-15)

On May 31, 2013, § 87(2)(b) was interviewed at his home at § 87(2)(b) in Staten Island. On April 9, 2013, at approximately 7:35 pm, § 87(2)(b) was in his backyard with his wife and children working on the new bicycles he had just bought for his children. § 87(2)(b)'s apartment is on the bottom floor of the rear of § 87(2)(b) and its front door opens up into the house's backyard. § 87(2)(b) turned around and saw § 87(2)(b) crouched, hiding next to his front door. § 87(2)(b) told § 87(2)(b) "Some niggers chasing me," which § 87(2)(b) interpreted to mean that there were teenagers chasing after him. § 87(2)(b) whose children are friends with § 87(2)(b) told § 87(2)(b) not to go into his house. Less than a minute after § 87(2)(b) noticed § 87(2)(b) § 87(2)(b) dashed inside § 87(2)(b)'s apartment door and two police officers, Lt. Notaro, who was identified by the investigation and described as a uniformed white male, over 200 pounds, 5'8" to 5'9" tall, heavysset, with a clean-shaven face, in his late 30s, and Lt. Bannon, who was also identified by the investigation and described as a uniformed white male, 190 pounds, 5'8" to 5'9" tall, in his late 30s (but younger than Lt. Notaro) with a clean-shaven face, walked into § 87(2)(b)'s backyard. Lt. Notaro told § 87(2)(b) that he had to go inside his apartment and take § 87(2)(b) back outside. § 87(2)(b) said that he was unwilling to retrieve § 87(2)(b) because he is not a police officer. The officers told § 87(2)(b) that they would follow § 87(2)(b) inside and capture § 87(2)(b). § 87(2)(b) agreed and told the officers to enter his house. Together, § 87(2)(b), Lt. Notaro and Lt. Bannon entered his apartment and they walked directly into the basement where there are three bedrooms at the bottom of the basement stairs.

§ 87(2)(b) went downstairs first, followed by Lt. Notaro who was followed by Lt. Bannon. § 87(2)(b) opened the door to one of the bedrooms, went inside, and Lt. Notaro and Lt. Bannon followed him in with their firearms drawn. § 87(2)(b) at one of the officers' instruction, flipped over the bed to see if § 87(2)(b) was underneath, but he was not. § 87(2)(b) then tried to open the second bedroom's door, but found that it had been locked. Lt. Notaro told § 87(2)(b) to kick the door open and § 87(2)(b) complied, breaking the doorjamb. Prior to entering the second bedroom, the officers were not speaking to each other. The officers never told § 87(2)(b) to leave the downstairs area at any time.

§ 87(2)(b) went into the bedroom and Lt. Notaro and Lt. Bannon followed him inside, still with their firearms drawn. Lt. Notaro instructed § 87(2)(b) to flip over the bed in the second bedroom and § 87(2)(b) lifted up the bed by its foot. This revealed § 87(2)(b) lying on his chest with his arms and legs spread out flat on the ground and then § 87(2)(b) tossed the bed off to the side, fully exposing § 87(2)(b). § 87(2)(b) did not try to get up nor did he move his body. The officers, who were both standing behind § 87(2)(b) pointed their firearms at § 87(2)(b). One of the officers, § 87(2)(b) did not know which because his back was facing them, shouted, "Stay the

fuck on the floor!” Lt. Bannon, who was standing on § 87(2)(b)’s right side, stepped forward, grabbed § 87(2)(b)’s left arm, twisted it behind § 87(2)(b) and pressed it up against § 87(2)(b)’s back. Lt. Bannon then punched § 87(2)(b) in the left side of the head. § 87(2)(b) could not estimate how many times Lt. Bannon punched § 87(2)(b) but he said it was “a lot.” Lt. Notaro stepped forward and hit § 87(2)(b) in the head with the butt of his firearm close to 10 times. § 87(2)(b) said, “You see they beating me? They hitting me. Help me. Help me.” Lt. Notaro and Lt. Bannon then lifted § 87(2)(b) to his feet and Lt. Notaro placed him into handcuffs. Both officers kept their firearms out while § 87(2)(b) was being handcuffed. Lt. Notaro and Lt. Bannon continued to punch § 87(2)(b) in the face once he was in handcuffs, though § 87(2)(b) could not estimate how many times they struck § 87(2)(b). § 87(2)(b) moved his head from side to side in an effort to avoid being hit in the face by the officers. § 87(2)(b) estimated that the officers spent three to four minutes in the bedroom with § 87(2)(b) before they brought him upstairs.

Lt. Notaro grabbed § 87(2)(b) by the right arm and led him out of the bedroom, up the stairs and back into the upstairs living room. Lt. Bannon followed behind § 87(2)(b) and smacked him in the back of the head while they walked upstairs. § 87(2)(b) walked up behind Lt. Bannon. Once the officers reached the upstairs living room with § 87(2)(b) they holstered their firearms. Lt. Notaro and Lt. Bannon both punched § 87(2)(b) in the face three to four more times. The officers did not say anything to § 87(2)(b) in the living room. Lt. Notaro said to § 87(2)(b) “We gonna get this nigger for everything,” and then shook § 87(2)(b)’s hand. Lt. Notaro and Lt. Bannon escorted § 87(2)(b) outside and § 87(2)(b) followed behind them. Once they were outside, the officers stopped striking § 87(2)(b). The officers led § 87(2)(b) into a marked police vehicle that was parked in the street outside the house. The officers pushed § 87(2)(b)’s head down and then pushed him inside the open door of the police vehicle. § 87(2)(b) was not struggling against the officers as they placed him into the police vehicle. § 87(2)(b) did not see any other officers outside the house or any other police vehicles. One of the officers, § 87(2)(b) was unsure which, sat in the backseat of the police vehicle with § 87(2)(b) while the other officer drove the vehicle. § 87(2)(b)’s wife and children were outside when § 87(2)(b) was brought to the vehicle, but they were not paying attention to § 87(2)(b) or the police.

Lt. Notaro and Lt. Bannon were the only police officers to enter § 87(2)(b)’s house and the only officers to be on the scene. Other than the one instance in which Lt. Notaro told § 87(2)(b) that they were going to “get this nigger for everything,” neither officer used the word “nigger.” § 87(2)(b) did not notice any injuries to § 87(2)(b) before he was taken away in the police vehicle.

Attempts to Contact Civilians

§ 87(2)(b)

On April 17, 2013, § 87(2)(b) was contacted by the CCRB and she confirmed that she did not witness the incident.

§ 87(2)(b)

On April 17, 2013, § 87(2)(b) was contacted by the CCRB and confirmed that she did not witness the incident. § 87(2)(b) further stated that § 87(2)(b), whose name appeared on the IAB log, also did not witness the incident.

NYPD Statements:

Subject Officer: LIEUTENANT CHRISTOPHER BANNON

- *At the time of the incident, Lt. Bannon was § 87(2)(b) old. He is a white male, 5'9" tall, 180 pounds, bald and with blue eyes.*
- *On April 9, 2013, Lt. Bannon worked from 4:00 pm to 12:45 am, was assigned to the SET team with Lt. Notaro, was wearing plainclothes, and an unmarked Chevy Impala, RMP #310.*

Memo Book: (encl. C1-2)

Lt. Bannon did not have any entries in his memo book regarding this incident.

Line of Duty Witness Statement: (encl. C3)

On April 9, 2013, Lt. Bannon prepared a witness statement regarding an injury Lt. Notaro sustained while trying to apprehend a perpetrator who was resisting arrest. Lt. Bannon observed Lt. Notaro fall on his left knee, which caused pain to the front of his knee, under the knee cap.

CCRB Statement: (encl. C4-6)

On August 20, 2013, Lt. Bannon was interviewed at the CCRB. On April 9, 2013 Lt Bannon was monitoring the cameras in the VIPER room in the West Brighton Houses, in Staten Island, when he observed § 87(2)(b) whom he knew to be wanted for a burglary and a hate crime committed approximately two weeks beforehand. Lt. Bannon then radioed PO Trapasso and PO Guerrerri with a description of § 87(2)(b) and a directive to apprehend him. Lt. Bannon and his partner Lt. Notaro then exited the VIPER room to meet up with PO Trapasso and PO Guerrerri. From a distance, Lt. Bannon observed § 87(2)(b) flee from PO Trapasso and PO Guerrerri. PO Trapasso and PO Guerrerri pursued § 87(2)(b) for three or four blocks until § 87(2)(b) ran into the back door of a house located at § 87(2)(b). Lt. Notaro was standing in the driveway of § 87(2)(b) when § 87(2)(b) entered through the back door, which Lt. Notaro communicated to Lt. Bannon when he approached Lt. Notaro in the driveway. Lt. Bannon and Lt. Notaro then pursued § 87(2)(b) into the house through the front door. Once they were inside the house, they heard the occupants, which included two children sitting on a couch in the living room, screaming "He ran into the house. We don't know who he is." The homeowner, § 87(2)(b) who had been outside the house, entered immediately after Lt. Bannon and Lt. Notaro. Because Lt. Bannon's instincts told him that § 87(2)(b) would be in the basement, Lt. Bannon, Lt. Notaro and § 87(2)(b) then descended into the basement in pursuit of § 87(2)(b). Lt. Bannon and Lt. Notaro did not have a discussion with § 87(2)(b) prior to entering the basement.

The basement consists of four rooms and was in pitch-black darkness. Lt. Bannon drew his firearm as he descended the stairs for the purpose of his own safety. After Lt. Notaro cleared one bedroom by himself, Lt. Bannon and § 87(2)(b) entered another bedroom through an open door. It was in this room that § 87(2)(b) was hiding. All Lt. Bannon could recall saying while searching for § 87(2)(b) was "Where are the lights, where are the lights?" though he did not recall if § 87(2)(b) answered him. Lt. Bannon did not say "Where is this nigger?" nor did Lt. Notaro or § 87(2)(b) ever said this.

In the bedroom, § 87(2)(b) pulled up a mattress to reveal § 87(2)(b) lying prone on the floor underneath the bed, framed on all sides by a metal bed-frame. The floor in the bedroom was made of concrete tiles. § 87(2)(b) voluntarily assisted Lt. Bannon in looking for § 87(2)(b) because § 87(2)(b) wanted to protect his children. After lifting the mattress, § 87(2)(b) ran out of the room. At this time, Lt. Bannon pointed his firearm at § 87(2)(b) and said, "Show me your hands," to § 87(2)(b) numerous times. Lt. Bannon did not say, "Stay the fuck on the floor," to

§ 87(2)(b) Around this time, Lt. Notaro entered the bedroom. § 87(2)(b) refused to show Lt. Bannon and Lt. Notaro his hands, but rather kept them underneath his waist area. Due to his non-compliance, Lt. Bannon feared that § 87(2)(b) might be concealing a weapon underneath his body. Lt. Bannon and Lt. Notaro then grabbed § 87(2)(b) by each arm, Lt. Bannon on the right and Lt. Notaro on the left. Still lying flat on his chest, § 87(2)(b) refused to put his arms behind his back voluntarily. Eventually, Lt. Bannon and Lt. Notaro were able to pull one of § 87(2)(b)'s arms behind his back. At this point, § 87(2)(b) gave up and allowed Lt. Bannon and Lt. Notaro to pull his other arm behind his back as well. Lt. Bannon and Lt. Notaro then applied one set of handcuffs to § 87(2)(b)'s wrists. Neither Lt. Bannon nor Lt. Notaro ever punched or struck § 87(2)(b) in the process of handcuffing him. Lt. Bannon estimated that it took approximately 10 to 12 seconds to handcuff § 87(2)(b). After they had applied the handcuffs to § 87(2)(b), Lt. Bannon and Lt. Notaro assisted him to his feet. Lt. Bannon cut his right hand on the knuckle of his pinky hand in the process of assisting § 87(2)(b) to his feet. Lt. Bannon did not strike § 87(2)(b) anywhere on his body after he had handcuffed him, nor did he see Lt. Notaro do so. § 87(2)(b) did not fall to the floor any time after being handcuffed. After being handcuffed, § 87(2)(b) stopped struggling. Lt. Bannon does not remember what, if anything, § 87(2)(b) was saying at this point. Lt. Bannon did not shove § 87(2)(b) into any walls. Lt. Bannon did not observe any injuries on § 87(2)(b) nor did he hear § 87(2)(b) complain of any injuries. Lt. Bannon estimated that the entire apprehension process took about one to one and a half minutes.

Lt. Bannon and Lt. Notaro then passed § 87(2)(b) to PO Trapasso and PO Guerreri, who had come down the stairs while Lt. Bannon and Lt. Notaro were in the process of apprehending § 87(2)(b). Lt. Bannon and Lt. Notaro followed PO Trapasso, PO Guerreri, and § 87(2)(b) up the stairs. Lt. Bannon did not see PO Trapasso or PO Guerreri strike § 87(2)(b) or shove him into any walls. Lt. Bannon did not witness Mt. § 87(2)(b) being placed into a police vehicle because he was getting information from § 87(2)(b) and informing him about how to make a complaint against § 87(2)(b) for breaking into his home. Lt. Bannon did not say "We are going to get this nigger for everything he's got" to § 87(2)(b). Lt. Bannon did not use or hear Lt. Notaro use any offensive language in their conversation with § 87(2)(b).

Lt. Bannon returned to the stationhouse approximately 20 minutes after PO Guerreri and PO Trapasso took § 87(2)(b) from him and Lt. Notaro. Lt. Bannon saw § 87(2)(b) back at the stationhouse, but did not have any interaction with him. Lt. Bannon did not recall § 87(2)(b) complaining of any injuries or requesting medical attention.

Subject Officer: LIEUTENANT JOSEPH NOTARO

- *At the time of the incident Lt. Notaro was § 87(2)(b) old. He is a white male, 5'6" tall, 180 pounds, with black hair and brown eyes.*
- *On April 9, 2013, Lt. Notaro worked 12:30 pm to 2:15 am, was assigned as the Special Operations Lieutenant, was dressed in plainclothes, was working with Lt. Bannon and was assigned to an unmarked police vehicle*

Memo Book: (encl. C7-9)

On April 9, 2013, Lt. Notaro noted in his memo book that at 7:50 pm one individual was under arrest at § 87(2)(b). § 87(2)(b) was wanted for a hate crime and was initially observed at the West Brighton Housing Development.

Line of Duty Witness Statement: (encl. C10)

On April 9, 2013, Lt. Notaro prepared a witness statement regarding an injury Lt. Bannon sustained while apprehending a perpetrator who was resisting arrest. Lt. Notaro observed Lt.

Bannon strike his right hand on the ground, which caused pain, swelling and minor cuts to his index and middle fingers' knuckles.

CCRB Statement: (encl. C11-13)

On August 20, 2013 Lt. Joseph Notaro was interviewed at the CCRB. § 87(2)(g)

On April 9, 2013 Lt. Notaro chased § 87(2)(b) to Campbell Avenue, at which point he saw § 87(2)(b) entering § 87(2)(b) through the back door. Lt. Notaro then ran up the front of the house, and saw § 87(2)(b) his wife, and a child, fixing a bike outside the house. § 87(2)(b) told him that someone had entered his house. Lt. Notaro asked § 87(2)(b) if he knew the person who had just entered his house. § 87(2)(b) said that he did not know him. At this point Lt. Bannon, who was also in pursuit of § 87(2)(b) arrived at the § 87(2)(b) § 87(2)(b) then opened the front door for Lt. Notaro and Lt. Bannon, and all three of them entered. Lt. Notaro asked § 87(2)(b) to lead him and Lt. Bannon into the basement because Lt. Notaro did not know the layout of the home.

With his firearm drawn, Lt. Notaro guarded the stairs and the hallway while Lt. Bannon and § 87(2)(b) cleared each room. As he was monitoring the hallway, Lt. Notaro heard Lt. Bannon say "Let me see your hands, let me see your hands" inside one of the bedrooms. Lt. Notaro then entered that room in order to assist Lt. Bannon. When he entered that room, Lt. Notaro saw § 87(2)(b) half-standing, half-kneeling, with his hands tight to his waistband, backing up away from Lt. Bannon as Lt. Bannon repeatedly asked for his hands. At this point, Lt. Bannon and Lt. Notaro holstered their firearms, grabbed § 87(2)(b) and brought him to the floor. Facedown on the floor now, § 87(2)(b) kept his hands underneath his waist so as to prevent Lt. Notaro and Lt. Bannon from handcuffing him. Lt. Notaro placed one of his knees on § 87(2)(b)'s back in an attempt to handcuff § 87(2)(b). Lt. Notaro also punched § 87(2)(b) numerous times in the torso with a closed fist in an attempt to get § 87(2)(b)'s hands out from underneath him. Lt. Notaro did not recall if any of his punches struck § 87(2)(b) in the head. While on the floor in this position, § 87(2)(b) tried to bite Lt. Notaro on the leg, which Lt. Notaro responded to by smacking his face away one time. Eventually, Lt. Notaro and Lt. Bannon were able to pull § 87(2)(b)'s hands behind his back and cuff him, at which point they lifted § 87(2)(b) to his feet. Neither Lt. Notaro nor Lt. § 87(2)(b) struck § 87(2)(b) once he had successfully been placed in handcuffs.

After § 87(2)(b) had been handcuffed and lifted to his feet, Lt. Notaro and Lt. Bannon handed him off to PO Trapasso and PO Guerrieri, who were standing at the bedroom door. Lt. Notaro and Lt. Bannon then followed PO Trapasso and PO Guerrieri as they brought § 87(2)(b) up the stairs.

Witness Officer: OFFICER RICHARD GUERRIERI

- *At the time of the incident, PO Richard Guerrieri was § 87(2)(b) old. He is a white male, 5'8" tall, 185 pounds, with black hair and brown eyes.*
- *On April 9, 2013, PO Guerrieri worked from 4:00 pm to 12:35 am, was assigned to the SET team, partnered with PO Trapasso, wearing plainclothes, and assigned to an unmarked black Chevrolet Impala, RMP #310.*

Memo Book: (encl. C14-16)

On April 9, 2013, PO Guerrieri noted in his memo book that at 7:35 pm he observed § 87(2)(b) outside in front of 240 Broadway. As he approached § 87(2)(b) began to run towards Broadway, to Market Street, then to Campbell Avenue and into the backyard of § 87(2)(b). PO Guerrieri observed § 87(2)(b) jump over approximately three fences

to get into the backyard of § 87(2)(b) § 87(2)(b) then pushed in the backdoor of § 87(2)(b) to gain entry into the home. Lt. Bannon and Lt. Notaro entered the home on § 87(2)(b) first. Later, § 87(2)(b) resident of § 87(2)(b) stated that § 87(2)(b) pushed him and his child. § 87(2)(b) was found in the basement hiding under a bed, refusing and resisting arrest by flailing his arms. § 87(2)(b) refused to be placed into the RMP by pushing the door with his feet. § 87(2)(b) was then transported back to the 120th precinct stationhouse. § 87(2)(b) had an active I-card for 61 #§ 87(2)(b). At 7:53 pm, one individual was placed under arrest from location, Lt. Bannon on scene. Housing transported this individual back. At 8:00 pm, PO Guerrieri arrived at the 120th Precinct stationhouse.

Complaint and Arrest Report: (encl. C20-22)

On April 9, 2013, PO Guerrieri prepared a UF61 and arrest report in regards to § 87(2)(b)'s apprehension. At approximately 7:35 pm, § 87(2)(b) entered the rear door of § 87(2)(b) without permission to do so and subsequently endangered the welfare of a child while he was being pursued by the police. § 87(2)(b) was found in the basement of the location hiding under a bed. § 87(2)(b) resisted arrest by flailing his arms. The UF61 lists Marlene Ortiz, Evet Wright, and § 87(2)(b) as witnesses. § 87(2)(b) was charged with § 87(2)(b) § 87(2)(b). On the arrest report it is noted that physical force was used in order to restrain, control, and remove § 87(2)(b).

CCRB Statement: (encl. C23-25)

On October 22, 2013, PO Guerrieri was interviewed at the CCRB. On April 9, 2013, Lt. Bannon was monitoring the cameras in one of the housing buildings and called PO Guerrieri to notify him that § 87(2)(b) against whom there was an open complaint, was sitting in front of 240 Broadway. PO Guerrieri and PO Trapasso then approached § 87(2)(b). When they were approximately 10-15 feet away from § 87(2)(b) § 87(2)(b) looked at them, then ran away in the opposite direction, towards Broadway, onto Market Street, and then through the backyards of homes on Campbell Avenue, with PO Guerrieri in pursuit. § 87(2)(b) climbed several fences in his attempt to flee from PO Guerrieri. PO Guerrieri estimated that he was about two or three fences behind § 87(2)(b) during this pursuit, but was able to observe § 87(2)(b) enter the home at § 87(2)(b) through the backdoor. From his vantage point approximately two or three homes away from § 87(2)(b) PO Guerrieri observed Lt. Bannon and Lt. Notaro enter the home.

When PO Guerrieri and PO Trapasso arrived at the home, they asked § 87(2)(b) where Lt. Bannon and Lt. Notaro had gone. § 87(2)(b) pointed to the basement. PO Guerrieri and PO Trapasso then went down into the basement. In the rightmost bedroom Lt. Notaro and Lt. Bannon found § 87(2)(b) hiding underneath a bed and subsequently apprehended him. The first time that PO Guerrieri and PO Trapasso saw § 87(2)(b) inside the apartment, he was standing up by the door in the bedroom, handcuffed, and held at each arm by Lt. Notaro and Lt. Bannon. § 87(2)(b) was annoyed, agitated, and moving his shoulders around and pushing off of Lt. Notaro and Lt. Bannon. PO Guerrieri did not see either Lt. Notaro or Lt. Bannon strike § 87(2)(b) at this time. § 87(2)(b) did not end up on the floor of the basement at any point after PO Guerrieri and PO Trapasso entered the basement, and was never thrown against the wall by Lt. Notaro, Lt. Bannon, PO Guerrieri or PO Trapasso. Lt. Notaro and Lt. Bannon then passed § 87(2)(b) off to PO Guerrieri and PO Trapasso. PO Guerrieri and PO Trapasso grabbed § 87(2)(b) by each arm and escorted him up the stairs. Neither PO Guerrieri nor PO Trapasso struck or slapped § 87(2)(b).

as they escorted him up the stairs. § 87(2)(b) was compliant and moving under his own volition on the way up the stairs.

Upon bringing § 87(2)(b) up the stairs, PO Guerrieri and PO Trapasso did not pause in the living room, but continued escorting § 87(2)(b) out of the apartment to the police vehicle, which was parked in front of the house. Once outside, § 87(2)(b) again became upset, which PO Guerrieri attributed to § 87(2)(b) seeing people outside the apartment witnessing his arrest. § 87(2)(b) tried to get away from PO Guerrieri and PO Trapasso as they attempted to place him in the police vehicle by moving his shoulders. § 87(2)(b) did not say anything as PO Guerrieri and PO Trapasso placed him in the police vehicle. While placing him in the police vehicle, PO Guerrieri informed § 87(2)(b) that they were going to bring him down to the stationhouse. In order to get § 87(2)(b) into the police vehicle, PO Guerrieri and PO Trapasso grabbed him by the arms and placed him in the backseat. Neither PO Guerrieri nor PO Trapasso used a chokehold to place § 87(2)(b) into the police vehicle. PO Guerrieri did not make contact with § 87(2)(b)'s neck, nor did he see PO Trapasso do so. Once § 87(2)(b) was placed into the backseat of the police vehicle, he leaned back across the seats and attempted to prevent PO Guerrieri and PO Trapasso from closing the door by pushing the door outwards with his feet.

After placing § 87(2)(b) into the police vehicle, PO Guerrieri went back into the home and spoke with § 87(2)(b). PO Guerrieri asked § 87(2)(b) what had happened. § 87(2)(b) told PO Guerrieri that § 87(2)(b) had pushed one of § 87(2)(b)'s children out of the way when he entered the home, on his way down to the basement. PO Guerrieri did not tell § 87(2)(b) anything about what was going to happen to § 87(2)(b) now that he had been arrested. PO Guerrieri did not tell § 87(2)(b) that, in reference to § 87(2)(b) he was going to “get this nigger for everything that he’s got.” PO Guerrieri did not hear PO Trapasso say this to § 87(2)(b) either. During the time of PO Guerrieri’s conversation with § 87(2)(b) Lt. Notaro and Lt. Bannon were outside the home. PO Guerrieri did not see either Lt. Notaro or Lt. Bannon have a conversation with § 87(2)(b) at any time. PO Guerrieri’s exchange with § 87(2)(b) lasted approximately two minutes.

PO Guerrieri returned to the 120th Precinct stationhouse seven minutes after he had placed § 87(2)(b) into the police vehicle. Back at the stationhouse, the first place PO Guerrieri saw § 87(2)(b) was in the arrest processing area. § 87(2)(b) did not say anything to PO Guerrieri in the arrest processing area, and he seemed to have calmed down. PO Guerrieri did not have any conversation with § 87(2)(b) in the arrest processing area, but did fingerprint him. PO Guerrieri did not see any injuries on § 87(2)(b) at this time, nor did he recall § 87(2)(b) requesting any medical attention or complaining about headaches or problems with his vision.

Witness Officer: OFFICER JAMES TRAPASSO

- *At the time of this incident, PO Trapasso was § 87(2)(b) old. He is a white male, 5’8’’tall, 200 pounds with brown hair and brown eyes.*
- *On April 9, 2013, PO Trapasso worked from 4:00 pm to 12:35 am, was assigned to the SET team, partnered with PO Guerrieri, wearing plainclothes, and assigned to an unmarked, black Chevrolet, RMP #310.*

Memo Book: (encl. C26-28)

PO Trapasso started a new memo book at 9:30 pm, as he had lost his old memo book (#A968453) while in transit to § 87(2)(b) where this incident occurred around 7:50 pm. Thus there are no entries in this memo book prior to 9:30 pm. At 9:35 pm, PO Trapasso noted that PO Guerrieri arrested § 87(2)(b) after he took flight on foot towards Broadway, onto Market Street, then onto Campbell Avenue, by way of the backyards of homes, eventually finding him at § 87(2)(b) where he resisted arrest. § 87(2)(b) was then transported

to the 120th Precinct stationhouse. At 9:50 pm, PO Trapasso transported Lt. Bannon to § 87(2)(b) for injuries resulting from the arrest. § 87(2)(b) was found at § 87(2)(b) § 87(2)(b) resisted arrest and refused to be placed in to the RMP by pushing the door with his feet.

CCRB Statement: (encl. C29-31)

On October 22, 2013, PO Trapasso was interviewed at the CCRB. § 87(2)(g)

On April 9, 2013, PO Trapasso and PO Guerrieri pursued § 87(2)(b) into the basement of § 87(2)(b). By the time PO Trapasso and PO Guerrieri went down into the basement, Lt. Notaro and Lt. Bannon had already handcuffed § 87(2)(b). As PO Trapasso and PO Guerrieri transported § 87(2)(b) upstairs, § 87(2)(b) resisted their efforts to escort him up the stairs by attempting to push off their bodies and moving his shoulders and upper body in an attempt to break free. PO Trapasso and PO Guerrieri issued a command to § 87(2)(b) to stop resisting arrest. PO Trapasso and PO Guerrieri escorted § 87(2)(b) by wrapping their arms behind his arms and bringing him up the stairs in this fashion. PO Trapasso did not see PO Guerrieri, Lt. Bannon, or Lt. Notaro strike § 87(2)(b) during this process. PO Trapasso did not strike § 87(2)(b) either. After successfully transporting § 87(2)(b) up the stairs, PO Trapasso and PO Guerrieri led § 87(2)(b) through the living room, where there were small children present. § 87(2)(b) continued to push off of the officers in the living room. PO Trapasso did not strike § 87(2)(b) in an attempt to subdue him. PO Trapasso could not remember if § 87(2)(b) was complaining about any injuries at this time, but did not observe § 87(2)(b) to be injured. PO Trapasso and PO Guerrieri then transported § 87(2)(b) to a police vehicle and with some effort, placed him inside.

After placing § 87(2)(b) into the police vehicle, PO Guerrieri went back to the house to get information from § 87(2)(b). PO Trapasso he did not speak to § 87(2)(b) nor did he overhear any conversation that may have taken place between § 87(2)(b) and PO Guerrieri. PO Trapasso stated that he did not see either of the Lt. Bannon or Lt. Guerrieri speak to § 87(2)(b). PO Trapasso did not hear PO Guerrieri, Lt. Notaro or Lt. Bannon use profanity while speaking with § 87(2)(b). Neither PO Trapasso nor PO Guerrieri said to § 87(2)(b) that they were going to “Get this nigger for everything that he’s got.”

Before PO Trapasso and PO Guerrieri returned to the 120th Precinct stationhouse, PO Trapasso searched for his lost memo book, a process which took approximately 20 minutes. PO Trapasso and PO Guerrieri then returned to the stationhouse and PO Trapasso did not have any further contact with § 87(2)(b) in the stationhouse. He did not hear § 87(2)(b) complain of any injuries while in the stationhouse.

Witness Officer: OFFICER MIROSLAW MARGANSKI

- *At the time of the incident, PO Marganski was § 87(2)(b) old. He is a white male, 5’9” tall, 175 pounds, with brown hair and brown eyes.*
- *On April 9, 2013, PO Marganski worked from 5:30 pm to 2:05 am, was assigned to Housing, was working with PO Santos, was dressed in uniform, and was driving a marked sedan, RMP #3141.*

Memo Book: (encl. C32-33)

On April 9, 2013, PO Marganski noted in his memo book that at 7:30 pm, he transported one black male from § 87(2)(b) to the 120th Precinct stationhouse. PO Marganski noted that the arrestee was a SET Team arrest.

CCRB Statement: (encl. C34-35)

On January 14, 2014, PO Marganski was interviewed at the CCRB. On April 9, 2013, at approximately 7:35 pm, PO Marganski received a call for additional units to respond to § 87(2)(b) in Staten Island. PO Marganski drove over to the address and upon arrival, PO Marganski observed that § 87(2)(b) was being escorted down the front driveway of § 87(2)(b) in handcuffs. After bringing the vehicle to a stop, PO Marganski exited the driver's side and PO Santos exited the passenger's side. PO Marganski started to walk up the driveway to meet the other officers, but quickly turned around when the officers continued walking to the car with § 87(2)(b). PO Marganski opened the rear passenger's side door and removed his bag and PO Santos' bag from the back seat. PO Marganski opened the trunk of the vehicle and placed both bags in the trunk. § 87(2)(b) was brought to the side of the vehicle, but refused to get into the vehicle.

§ 87(2)(b) was complaining to the members of the SET Team who had arrested him, asking why they had chased him. § 87(2)(b) was not cooperative with the SET team's request that he get into the vehicle. § 87(2)(b) asked many questions about the reason for his arrest and simply stood next to the open passenger's side rear door. PO Marganski spoke to § 87(2)(b) and told him that "it's over," and that he had to get into the vehicle. § 87(2)(b) did not physically resist the officers. Eventually, after a period of time that PO Marganski could not recall (perhaps it was between 30 seconds and one minute), § 87(2)(b) got into the rear of the vehicle entirely under his own volition. No force was used by any officer in order to get him into the back of the car, simply verbal persuasion was used by PO Marganski to convince § 87(2)(b) to get into the car. PO Marganski did not see any officer use any force in order to place § 87(2)(b) in the car. PO Marganski did not see any officer touch § 87(2)(b)'s neck with their hands or any officer otherwise place pressure on § 87(2)(b)'s neck at any point.

PO Marganski and PO Santos transported § 87(2)(b) back to the 120th Precinct stationhouse. PO Marganski did not see any injuries on § 87(2)(b)'s face or body. § 87(2)(b) did not complain about any pain or injuries while he was with PO Marganski. Within one minute of driving, PO Marganski had delivered § 87(2)(b) to the 120th Precinct stationhouse.

Witness Officer: OFFICER MASHIEL SANTOS

- *At the time of the incident, PO Santos was § 87(2)(b) old. She is a Hispanic female, 5'2" tall, 180 pounds, with brown hair and brown eyes.*
- *On April 9, 2013, PO Santos worked from 5:30 pm to 2:05 am, was assigned to Housing, was working with PO Marganski, was dressed in uniform, and was assigned to marked RMP #3141.*

Memo Book: (encl. C36-38)

On April 9, 2013, PO Santos noted in her memo book that at 7:30 pm she transported one black male for the SET team from § 87(2)(b). At 7:35 pm, PO Santos noted that she was back on patrol.

CCRB Statement: (encl. C39-40)

On January 14, 2014, PO Santos was interviewed at the CCRB and PO Santos' statement was consistent with PO Marganski's statement.

Other Officers Interviewed: (encl. C44-45)

PO Christopher Duggan was interviewed in regards to this case, but PO Duggan did not have a memo book entry in regards to or an independent recollection of the incident.

Medical Records

Correctional Health Services, Intake Physical:

On § 87(2)(b), § 87(2)(b) submitted to a physical examination on Rikers Island and the only noted injury was a five millimeter bruise on the top, ride-side of his head.

NYPD Documents

Arrest Report: (encl. D1-3)

On April 9, 2013, at approximately 10:20 pm, Det. Eric Sanchez from the Hate Crime Detective Bureau arrested § 87(2)(b) inside the 120th Precinct stationhouse for § 87(2)(b). A complainant stated that § 87(2)(b) used a shopping cart to forcibly damage a door and then open it to gain entrance into the apartment. § 87(2)(b) was armed with a broken glass bottle when he entered and he began yelling racial epithets, including “Get the fuck out of here. We’re going to take everything out. Get the fuck out of here you, you Mexican.”

NYPD SPRINT: (encl. D13)

On April 9, 2013, the NYPD SPRINT that was generated in association with § 87(2)(b)'s apprehension noted that six different 120th Precinct units responded to § 87(2)(b) in the moments immediately following § 87(2)(b)'s arrest at 7:32 pm.

Arrest for Incident and Disposition

- § 87(2)(b), § 87(2)(c)

Status of Civil Proceedings

- § 87(2)(b) and § 87(2)(b) have not filed Notices of Claim with the City of New York as of February 11, 2014 with regard to the incident (encl. E7).

Civilians’ Criminal Histories

- § 87(2)(b), § 87(2)(c)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
- § 87(2)(b), § 87(2)(c)
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]
 - [REDACTED]

- § 87(2)(b), § 87(2)(c)

Civilians' CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) and § 87(2)(b) § 87(2)(b) (encl. A4-6).
- § 87(2)(b) has filed the following CCRB complaints (encl. A7):

- § 87(2)(b)

Subject Officers' CCRB Histories

- Lt. Joseph Notaro has been a member of the service for 17 years and there are no substantiated CCRB allegations against him (encl. A1-2).
- Lt. Christopher Bannon has been a member of the service for 15 years and there are no substantiated CCRB allegations against him (encl. A3).
- PO Richard Guerrieri has been a member of the service for five years and there is one substantiated allegation against him (encl. A4):
 - In CCRB case number 201110525, a force allegation was substantiated, the CCRB Board recommended charges and the NYPD penalized PO Guerrieri with command discipline.

Conclusion

Identification of Subject Officers

Lt. Notaro and Lt. Bannon acknowledged entering § 87(2)(b)'s basement and apprehending § 87(2)(b) § 87(2)(g)

§ 87(2)(b) alleged that he interacted with seven different officers at § 87(2)(b) two officers who handcuffed him in the basement, two officers who escorted him upstairs, two officers who were in the police vehicle that ultimately transported him to the stationhouse, and a seventh officer, described only as a uniformed male, who placed him into a chokehold in order to force him into the police vehicle. The first six officers were all identified by the investigation and § 87(2)(b) stated that he would only be able to identify Lt. Notaro in a photograph on account of his blurred vision. An attempt was made to show photographs to § 87(2)(b) in the event that they could have helped § 87(2)(b) remember the subject officer. Nevertheless, § 87(2)(b) was unavailable. The SPRINT indicated that there were at least six units (comprising a total of 12 officers) who were at the scene of § 87(2)(b)'s arrest and there is the strong possibility that there were additional units on the scene who did not broadcast their arrival or departure from § 87(2)(b)'s arrest location. This large pool of potential subject officers, along with § 87(2)(b)'s vague description of the subject officer and § 87(2)(b)'s unavailability for a photo array viewing, as well as the fact that neither § 87(2)(b) nor any of the officers witnessed § 87(2)(b) being choked, prevented the investigation from identifying the officer who allegedly choked § 87(2)(b). § 87(2)(b) alleged that while he was in front of the desk he made a general request for medical treatment to anyone in his immediate vicinity. Later, he made a specific request for

medical treatment while he was being fingerprinted, though he could not describe any of the officers who were present for any of these requests because his vision was blurry. § 87(2)(g)

Allegations not Pled

It is undisputed that § 87(2)(b) entered § 87(2)(b)'s home without permission while fleeing Lt. Notaro and Lt. Bannon. It is also undisputed that § 87(2)(b) gave the officers permission to enter his home in order to apprehend § 87(2)(b) § 87(2)(g)

§ 87(2)(b) alleged that once he flipped over the bed and exposed § 87(2)(b) one of the two officers said, "Stay the fuck on the floor." § 87(2)(g)

§ 87(2)(b) also alleged that both Lt. Notaro and Lt. Bannon pointed their guns at § 87(2)(b) whereas § 87(2)(b) only alleged that Lt. Bannon did. Furthermore, § 87(2)(b) stated that he was standing in front of the officers when they pointed their guns. § 87(2)(g)

Investigative Findings and Recommendations

- **Allegation A) Offensive Language: Lt. Joseph Notaro made remarks to § 87(2)(b) and § 87(2)(b) based upon race.**
- **Allegation B) Offensive Language: Lt. Christopher Bannon made remarks to § 87(2)(b) § 87(2)(b) based upon race.**

§ 87(2)(b) alleged that while he was hiding under the bed, he heard both Lt. Bannon and Lt. Notaro ask, "Where this nigger at?" § 87(2)(b) denied that the officers were saying anything to each other before entering the bedroom and that neither officer used the word "nigger" while in the basement. Later, § 87(2)(b) alleged that once § 87(2)(b) had been handcuffed and brought upstairs, Lt. Notaro told him, "We gonna get this nigger for everything," shook his hand, and then went outside. § 87(2)(b) did not mention hearing any of the officers make this remark.

Lt. Bannon and Lt. Notaro both denied making either of these remarks. PO Guerrieri and PO Trapasso denied hearing Lt. Notaro make this remark, and both stated that they did not even see Lt. Notaro speak with § 87(2)(b) after § 87(2)(b)'s apprehension. § 87(2)(g)

- **Allegation C) Force: Lt. Christopher Bannon pointed his gun at § 87(2)(b)**
- **Allegation D) Abuse of Authority: Lt. Joseph Notaro drew his gun.**

It is undisputed that Lt. Notaro and Lt. Bannon entered the basement with their guns drawn and that Lt. Bannon pointed his firearm at § 87(2)(b) immediately after § 87(2)(b) flipped over the mattress, exposing § 87(2)(b) to view.

Police Department v. Gliner (September 6, 2000) (encl. i-xx) permits that an officer can display and point his firearms whenever he feels his life or another person's life may be threatened. § 87(2)(g)

§ 87(2)(g)

[REDACTED]

- **Allegation E) Force: Lt. Joseph Notaro used physical force against** § 87(2)(b)
- **Allegation F) Force: Lt. Christopher Bannon used physical force against** § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b) alleged that once the mattress was removed from above him, he got up onto his knees and Lt. Notaro walked behind him and struck him in back of his head and he fell to the ground. From this position on the ground, Lt. Bannon and Lt. Notaro placed him into handcuffs. Once § 87(2)(b) was in handcuffs, Lt. Notaro struck him a total of ten more times in the head, pushed him into a wall, and then threw him to the ground, hitting his head against the base of a door. § 87(2)(b) alleged that before § 87(2)(b) was in handcuffs, Lt. Bannon struck § 87(2)(b) in the back of the head and then Lt. Notaro struck him ten times in the head with the butt of his firearm. The officers then handcuffed § 87(2)(b) and once he was in handcuffs, Lt. Bannon and Lt. Notaro struck § 87(2)(b) in the face innumerable times. Then, as § 87(2)(b) was escorted upstairs by Lt. Notaro and Lt. Bannon, Lt. Bannon smacked him several more times and once they were all in the living room, Lt. Notaro and Lt. Bannon both punched § 87(2)(b) in the face three to four more times. § 87(2)(b)'s medical records from two days later show that he had a five millimeter bruise on the back of his head.

Lt. Notaro stated that once § 87(2)(b) was exposed and on his knees, both officers brought him back to the floor, at which time § 87(2)(b) held his hands under his body and near his waist. Lt. Notaro acknowledged striking § 87(2)(b) several times in the torso in order to get § 87(2)(b) to give up his hands. Also during this time, § 87(2)(b) attempted to bite Lt. Notaro's leg and in response Lt. Notaro smacked § 87(2)(b) in the face. After approximately two minutes, Lt. Notaro estimated, he and Lt. Bannon were able to free § 87(2)(b)'s hands and place him into handcuffs. Once § 87(2)(b) was in handcuffs, none of the officers struck him again. Lt. Bannon denied striking § 87(2)(b) at any time, both before and after he was handcuffed, and also denied that Lt. Notaro ever struck § 87(2)(b). PO Trapasso and PO Guerrieri denied using any force against § 87(2)(b) and did not see either Lt. Notaro or Lt. Bannon strike § 87(2)(b).

Patrol Guide Procedure 203-11 (encl. xxi-xxii) affords officers the minimum force necessary to make an arrest. § 87(2)(g)

[REDACTED]

§ 87(2)(g)

[REDACTED]

- **Allegation G) Force: An officer used a chokehold against § 87(2)(b)**
As discussed in the identification of subject officers section, the investigation could not determine the identity of the officer who allegedly placed § 87(2)(b) into a chokehold.
§ 87(2)(g)

- **Allegation H) Abuse of Authority: PO Richard Guerrieri did not obtain medical treatment for § 87(2)(b)**
§ 87(2)(b) alleged that while he was being fingerprinted he requested medical attention from the officers in the holding cell area and none of the officers who were present acknowledged § 87(2)(b)'s request. PO Guerrieri, § 87(2)(b)'s arresting officer, said that he was the officer who fingerprinted § 87(2)(b) but that at no point did he hear § 87(2)(b) request medical attention. All of the other officers who were interviewed denied hearing § 87(2)(b) request medical attention at any point while he was in custody. § 87(2)(g)

- § 87(4-b), § 87(2)(g)

Team: ____1____

Investigator: _____
Signature Print Date

Supervisor: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date

Reviewer: _____
Title/Signature Print Date